

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**


KENNETH NEWKIRK,)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:18CV765–HEH
)	
COMMONWEALTH OF VIRGINIA, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION
(Dismissing Civil Rights Action Without Prejudice)

By Memorandum Order entered on November 29, 2018, the Court conditionally docketed Plaintiff's action. The Court directed Plaintiff to return his *in forma pauperis* affidavit and affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the order of this Court. Plaintiff failed to return the *in forma pauperis* affidavit and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall issue.



HENRY E. HUDSON
SENIOR UNITED STATES DISTRICT JUDGE

Date: **Jan. 11, 2019**
Richmond, Virginia